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OFFICE OF PETITIONS

In re Application of :
Michael R. Downes et al :
Application No. 10/658,115 : DECISION ON PETITION
Filed: September 8, 2003 : UNDER 37 CFR 1.313(c)(3)
Attorney Docket No. SALK3130-1 :


This is in response to the "Express Abandonment under 37 C.F.R. 1.138," filed September 19, 2006, which is more appropriately a petition under 37 CFR 1.313(c)(3) to withdraw this application from issue after payment of the issue fee and has been so treated.¹

The petition is **GRANTED**.

Petitioner requests that the above-identified application be withdrawn from issue for express abandonment.

The petition complies with the requirements of 37 CFR 1.313(c)(3). Accordingly, the application is hereby withdrawn from issue, and the abandonment is hereby recognized.

Telephone inquiries should be directed to the undersigned at (571) 272-3218.


Frances Hicks
Petitions Examiner
Office of Petitions

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¹ It is noted that the Technology Center mailed out a Notice of Abandonment on October 24, 2006 acknowledging the letter of express abandonment. However, after payment of the issue fee, a petition to withdraw from issue is the appropriate avenue for expressly abandoning an application after payment of the issue fee. See MPEP Section 711.01, which states: "If the issue fee has been paid, the letter of express abandonment should be directed to the Office of Petitions * * * and be accompanied by a petition to withdraw an application from issue under 37 CFR 1.313(c)."